

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01390-RDM**

AMERICAN IMMIGRATION COUNCIL v. UNITED
STATES DEPARTMENT OF HOMELAND SECURITY et al
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 06/12/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN IMMIGRATION
COUNCIL**

represented by **Alexander Slavin**
O'MELVENY & MYERS LLP
400 South Hope Street
18th Floor
Los Angeles, CA 90071
(213) 430-6000
TERMINATED: 06/20/2019
PRO HAC VICE

Catalina Vergara
O'MELVENY & MYERS LLP
400 South Hope Street
18th Floor
Los Angeles, CA 90071
(213) 430-6000
PRO HAC VICE
ATTORNEY TO BE NOTICED

Dimitri D. Portnoi
O'MELVENY & MYERS LLP
400 South Hope Street
18th Floor
Los Angeles, CA 90071
(213) 430-6000
Fax: (213) 430-6407
Email: dportnoi@omm.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kyle Grossman
O'MELVENY & MYERS LLP
400 South Hope Street
18th Floor
Los Angeles, CA 90071
(213) 430-6000
PRO HAC VICE
ATTORNEY TO BE NOTICED

Meaghan VerGow
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
(202) 383-5300
Email: mvergow@omm.com
ATTORNEY TO BE NOTICED

V.

Defendant

represented by

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY**

Marina Utgoff Braswell
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2561
 Fax: (202) 252-2599
 Email: Marina.Braswell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**UNITED STATES CUSTOMS AND
BORDER PROTECTION**

represented by **Marina Utgoff Braswell**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/12/2018	<u>1</u>	COMPLAINT against UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 400 receipt number 0090-5531035) filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Civil Cover Sheet, # <u>17</u> Summons, # <u>18</u> Summons, # <u>19</u> Summons, # <u>20</u> Summons)(VerGow, Meaghan) (Entered: 06/12/2018)
06/12/2018	<u>2</u>	Corporate Disclosure Statement by AMERICAN IMMIGRATION COUNCIL. (VerGow, Meaghan) (Entered: 06/12/2018)
06/13/2018	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Catalina Vergara, :Firm- O'Melveny & Myers LLP, :Address- 400 South Hope Street. Phone No. - (213)-430-6000. Filing fee \$ 100, receipt number 0090-5532478. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Declaration of Catalina Vergara in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order)(VerGow, Meaghan) (Entered: 06/13/2018)
06/13/2018	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Dimitri D. Portnoi, :Firm- O'Melveny & Myers LLP, :Address- 400 South Hope Street. Phone No. - (213)-430-6000. Filing fee \$ 100, receipt number 0090-5532521. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Declaration of Dimitri D. Portnoi in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order)(VerGow, Meaghan) (Entered: 06/13/2018)
06/13/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Alexander Slavin, :Firm- O'Melveny & Myers LLP, :Address- 400 South Hope Street. Phone No. - (213)-430-6000. Filing fee \$ 100, receipt number 0090-5532561. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Declaration of Alexander Slavin in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order)(VerGow, Meaghan) (Entered: 06/13/2018)
06/13/2018	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Kyle Grossman, :Firm- O'Melveny & Myers LLP, :Address- 400 South Hope Street. Phone No. - (213)-430-6000. Filing fee \$ 100, receipt number 0090-5532571. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Declaration of Kyle Grossman in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order)(VerGow, Meaghan) (Entered: 06/13/2018)
06/14/2018		Case Assigned to Judge Randolph D. Moss. (zsb) (Entered: 06/14/2018)
06/14/2018	<u>7</u>	SUMMONS (4) Issued Electronically as to UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 06/14/2018)

06/18/2018		MINUTE ORDER: Upon consideration of the Motion for Admission Pro Hac Vice <u>3</u> , it is hereby ORDERED that the motion is GRANTED. Catalina Vergara may appear pro hac vice in this case. Signed by Judge Randolph D. Moss on 6/18/18. (lcrdm3,) (Entered: 06/18/2018)
06/18/2018		MINUTE ORDER: Upon consideration of the Motion for Admission Pro Hac Vice <u>4</u> , it is hereby ORDERED that the motion is GRANTED. Dimitri D. Portnoi may appear pro hac vice in this case. Signed by Judge Randolph D. Moss on 6/18/18. (lcrdm3,) (Entered: 06/18/2018)
06/18/2018		MINUTE ORDER: Upon consideration of the Motion for Admission Pro Hac Vice <u>5</u> , it is hereby ORDERED that the motion is GRANTED. Alexander Slavin may appear pro hac vice in this case. Signed by Judge Randolph D. Moss on 6/18/18. (lcrdm3,) (Entered: 06/18/2018)
06/18/2018		MINUTE ORDER: Upon consideration of the Motion for Admission Pro Hac Vice <u>6</u> , it is hereby ORDERED that the motion is GRANTED. Kyle Grossman may appear pro hac vice in this case. Signed by Judge Randolph D. Moss on 6/18/18. (lcrdm3,) (Entered: 06/18/2018)
06/18/2018	<u>8</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. Signed by Judge Randolph D. Moss on 6/18/18. (lcrdm3,) (Entered: 06/18/2018)
07/12/2018	<u>9</u>	ENTERED IN ERROR. . . CERTIFICATE OF SERVICE by AMERICAN IMMIGRATION COUNCIL <i>re 1 Complaint, 3 MOTION for Leave to Appear Pro Hac Vice: Catalina Vergara, 4 MOTION for Leave to Appear Pro Hac Vice: Dimitri D. Portnoi, 5 MOTION for Leave to Appear Pro Hac Vice: Alexander Slavin, 6 MOTION for Leave to Appear Pro Hac Vice: Kyle Grossman, 7 Summons, 8 Order.</i> (Portnoi, Dimitri) Modified on 7/13/2018 (ztd). (Entered: 07/12/2018)
07/12/2018	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/22/2018. (Answer due for ALL FEDERAL DEFENDANTS by 7/22/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 6/22/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES CUSTOMS AND BORDER PROTECTION served on 6/21/2018; UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 6/21/2018 (ztd) (Entered: 07/13/2018)
07/13/2018		NOTICE OF CORRECTED DOCKET ENTRY: re <u>9</u> Certificate of Service, was entered in error and refiled said pleading using the correct event as docket entry no. <u>10</u> . (ztd) (Entered: 07/13/2018)
07/20/2018	<u>11</u>	Unopposed MOTION for Extension of Time to <i>Amend and To Extend Defendants' Time to Answer The Complaint or Otherwise Respond to the Complaint</i> by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(Portnoi, Dimitri) Modified on 7/31/2018 (ztd). Added MOTION for Extension of Time to File Answer on 7/31/2018 (ztd). (Entered: 07/20/2018)
07/23/2018		MINUTE ORDER: Upon consideration of Plaintiff's Unopposed Motion for Extension of Time <u>11</u> , it is hereby ORDERED that the motion is GRANTED. Plaintiff shall file an amended complaint on or before July 25, 2018. Defendants shall respond to Plaintiff's amended complaint on or before August 3, 2018. Signed by Judge Randolph D. Moss on 7/23/18. (lcrdm3,) (Entered: 07/23/2018)
07/23/2018		Set/Reset Deadlines: Plaintiff shall file an amended complaint on or before 7/25/2018; Defendants shall respond to Plaintiff's amended complaint on or before 8/3/2018. (kt) (Entered: 07/23/2018)
07/25/2018	<u>12</u>	AMENDED COMPLAINT (<i>First Amended Complaint For Declaratory And Injunctive Relief</i>) against UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit

		M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Redline of First Amended Complaint, # <u>17</u> Certificate of Service)(VerGow, Meaghan) (Entered: 07/25/2018)
07/30/2018	<u>13</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Braswell, Marina) (Entered: 07/30/2018)
08/03/2018	<u>14</u>	ANSWER to <u>12</u> Amended Complaint,, by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY.(Braswell, Marina) (Entered: 08/03/2018)
08/04/2018		MINUTE ORDER: The parties are hereby ORDERED to appear for a status conference on August 21, 2018, at 10:00 a.m. in Courtroom 21, to discuss the schedule for further proceedings in this matter. The parties shall confer in advance of the status conference to narrow the issues for discussion. Signed by Judge Randolph D. Moss on 8/4/18. (lcrdm3,) (Entered: 08/04/2018)
08/06/2018		Set/Reset Hearings: Status Conference set for 8/21/2018, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 08/06/2018)
08/09/2018	<u>15</u>	Unopposed MOTION for Order <i>Resetting Status Conference</i> by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Exhibit A – Order re Mediation, # <u>2</u> Exhibit B – Notice of Mediation Date, # <u>3</u> Text of Proposed Order)(Portnoi, Dimitri) (Entered: 08/09/2018)
08/10/2018		MINUTE ORDER: Upon consideration of Plaintiff's Unopposed Motion to Reschedule Status Conference <u>15</u> , it is hereby ORDERED that the motion is GRANTED. The status conference currently scheduled for August 21, 2018, at 10:00 a.m., is hereby VACATED and RESCHEDULED for September 6, 2018 at 10:15 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 8/10/2018. (lcrdm3,) (Entered: 08/10/2018)
08/10/2018		Set/Reset Hearings: The Status Conference set for 8/21/2018 is VACATED and RESCHEDULED for 9/6/2018, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 08/10/2018)
09/06/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 9/6/2018. The parties shall file a Joint Status Report on or before 10/11/2018. (Court Reporter: Jeff Hook.) (kt) (Entered: 09/06/2018)
10/11/2018	<u>16</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Portnoi, Dimitri) (Entered: 10/11/2018)
10/12/2018		MINUTE ORDER: Upon consideration of the parties' joint status report <u>16</u> , it is hereby ORDERED that the parties shall submit a further joint status report on or before November 30, 2018. Signed by Judge Randolph D. Moss on 10/12/2018. (lcrdm3,) (Entered: 10/12/2018)
10/12/2018		Set/Reset Deadlines: A further Joint Status Report is due by 11/30/2018. (hmc) (Entered: 10/12/2018)
11/30/2018	<u>17</u>	Unopposed MOTION For An Order Rescheduling Deadline To File Joint Status Report by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Text of Proposed Order)(Portnoi, Dimitri) Modified on 12/3/2018 (ztd). (Entered: 11/30/2018)
12/02/2018		MINUTE ORDER: Upon consideration of Plaintiff's unopposed motion for extension of time <u>17</u> , it is hereby ORDERED that the motion is GRANTED. The parties shall file their joint status report on or before December 7, 2018. Signed by Judge Randolph D. Moss on 12/2/2018. (lcrdm3,) (Entered: 12/02/2018)
12/03/2018		Set/Reset Deadlines: Joint Status Report due by 12/7/2018. (kt) (Entered: 12/03/2018)
12/07/2018	<u>18</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Portnoi, Dimitri) (Entered: 12/07/2018)
12/10/2018		MINUTE ORDER: Upon consideration of the parties' joint status report <u>18</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before January 31, 2019. Signed by Judge Randolph D. Moss on 12/10/2018. (lcrdm3,) (Entered: 12/10/2018)

12/10/2018		Set/Reset Deadlines: Joint Status Report due by 1/31/2019. (kt) (Entered: 12/10/2018)
01/31/2019	<u>19</u>	Unopposed MOTION for Extension of Time to File <i>For An Order Rescheduling Deadline To File Joint Status Report</i> by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Text of Proposed Order)(Portnoi, Dimitri) Modified event title on 2/4/2019 (znmw). (Entered: 01/31/2019)
01/31/2019		MINUTE ORDER: Upon consideration of Plaintiff's unopposed motion to reschedule deadline <u>19</u> , it is hereby ORDERED that the motion is GRANTED. The deadline for the parties' joint status report is hereby VACATED and RESCHEDULED for February 14, 2019. Signed by Judge Randolph D. Moss on 1/31/2019. (lcrdm3,) (Entered: 01/31/2019)
01/31/2019		Set/Reset Deadlines: Joint Status Report due by 2/14/2019. (kt) (Entered: 01/31/2019)
02/14/2019	<u>20</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Portnoi, Dimitri) (Entered: 02/14/2019)
02/15/2019		MINUTE ORDER: Upon consideration of the parties' joint status report <u>20</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before March 20, 2019. Signed by Judge Randolph D. Moss on 2/15/2019. (lcrdm3,) (Entered: 02/15/2019)
02/15/2019		Set/Reset Deadlines: Joint Status Report due by 3/20/2019. (kt) (Entered: 02/15/2019)
03/20/2019	<u>21</u>	Unopposed MOTION for Extension of Time to <i>File Joint Status Report</i> by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Text of Proposed Order)(Portnoi, Dimitri) (Entered: 03/20/2019)
03/22/2019		MINUTE ORDER: Upon consideration of Plaintiff's unopposed motion for extension of time <u>21</u> , it is hereby ORDERED that the motion is GRANTED. The parties shall file their joint status report on or before March 28, 2019. Signed by Judge Randolph D. Moss on 3/22/2019. (lcrdm3,) (Entered: 03/22/2019)
03/22/2019		Set/Reset Deadlines: Joint Status Report due by 3/28/2019. (kt) (Entered: 03/22/2019)
03/28/2019	<u>22</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Braswell, Marina) (Entered: 03/28/2019)
04/01/2019		MINUTE ORDER: Upon consideration of the parties' joint status report <u>22</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before April 30, 2019. Signed by Judge Randolph D. Moss on 4/1/2019. (lcrdm3,) (Entered: 04/01/2019)
04/01/2019		Set/Reset Deadlines: Joint Status Report due by 4/30/2019. (dot) (Entered: 04/01/2019)
04/30/2019	<u>23</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Portnoi, Dimitri) (Entered: 04/30/2019)
05/02/2019		MINUTE ORDER: Upon consideration of the parties' joint status report <u>23</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before June 20, 2019. Signed by Judge Randolph D. Moss on 5/2/2019. (lcrdm3,) (Entered: 05/02/2019)
05/02/2019		Set/Reset Deadlines: Joint Status Report due by 6/20/2019. (kt) (Entered: 05/02/2019)
06/20/2019	<u>24</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN IMMIGRATION COUNCIL. Attorney Alexander Slavin terminated. (Portnoi, Dimitri) (Entered: 06/20/2019)
06/20/2019	<u>25</u>	Unopposed MOTION for Order / <i>Unopposed Motion of Plaintiff American Immigration Council for an Order Rescheduling Deadline to File Joint Status Report</i> by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Text of Proposed Order)(Portnoi, Dimitri) (Entered: 06/20/2019)
06/24/2019		MINUTE ORDER: Upon consideration of Plaintiff's unopposed motion for extension of time <u>25</u> , it is hereby ORDERED that the motion is GRANTED. The parties shall file their joint status report on or before June 27, 2019. Signed by Judge Randolph D.

		Moss on 6/24/2019. (lcrdm3,) (Entered: 06/24/2019)
06/24/2019		Set/Reset Deadlines: Joint Status Report due by 6/27/2019. (kt) (Entered: 06/24/2019)
06/27/2019	<u>26</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Portnoi, Dimitri) (Entered: 06/27/2019)
07/02/2019		MINUTE ORDER: Upon consideration of the parties' joint status report <u>26</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before July 24, 2019. Signed by Judge Randolph D. Moss on 7/2/2019. (lcrdm3,) (Entered: 07/02/2019)
07/02/2019		Set/Reset Deadlines: Joint Status Report due by 7/24/2019. (kt) (Entered: 07/02/2019)
07/24/2019	<u>27</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Portnoi, Dimitri) (Entered: 07/24/2019)
07/25/2019		MINUTE ORDER: Upon consideration of the parties' joint status report <u>27</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before September 13, 2019. Signed by Judge Randolph D. Moss on 7/25/2019. (lcrdm3,) (Entered: 07/25/2019)
07/25/2019		Set/Reset Deadlines: Joint Status Report due by 9/13/2019. (kt) (Entered: 07/25/2019)
09/13/2019	<u>28</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Portnoi, Dimitri) (Entered: 09/13/2019)
09/17/2019		MINUTE ORDER: In light of the parties' joint status report <u>28</u> , it is hereby ORDERED that the parties submit a further joint status report on or before October 16, 2019. Signed by Judge Randolph D. Moss on 09/17/19. (lcrdm3,) (Entered: 09/17/2019)
09/17/2019		Set/Reset Deadlines: Joint Status Report due by 10/16/2019. (kt) (Entered: 09/17/2019)